

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ANTHONY ISAAC WILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 5:10-cv-01193

D. J. HARMON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's October 7, 2010 Complaint (Document 1) and November 1, 2010 Addendum to his Complaint (Document 3).

By *Standing Order* (Document 2) entered on October 7, 2010, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On October 24, 2013, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 10) wherein it is recommended that this Court dismiss the Plaintiff's Complaint (Documents 1 & 3) and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by November 12, 2013.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Complaint (Documents 1 & 3) be **DISMISSED** and that this action be **REMOVED** from the Court's docket.

Lastly, on October 28, 2013, a letter (Document 11) was received from the Plaintiff that has been construed as a request for appointment of counsel. After careful consideration of the issues involved, the Court **ORDERS** that the letter-form request for appointment of counsel (Document 11) be **DENIED**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: November 13, 2013



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA